

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

EXMARK MANUFACTURING
COMPANY INC.,

Plaintiff,

vs.

BRIGGS & STRATTON POWER
PRODUCTS GROUP, LLC and
SCHILLER GROUNDS CARE, INC.,

Defendants.

8:10CV187

ORDER

This matter is before the court on the parties' Stipulated Dismissal of *Daubert* Motions Relating to Kent Herink and Scope of Potential Testimony of Sean Suiter (Filing No. 404). Pursuant to the stipulation of the parties,

IT IS ORDERED:

1. The parties' stipulation (Filing No. 404) is adopted;
2. Defendants Briggs and Schiller's motions relating to the admissibility of the testimony of Mr. Kent Herink, Filing Nos. 343 and 349, are dismissed and termed on the docket;
3. Plaintiff Exmark shall not call Mr. Kent Herink as a witness at trial;
4. Defendant Schiller has withdrawn all aspects of the expert reports of Mr. Sean Suiter with the exception of Mr. Suiter's opinion about the reasonable business standards applicable to purchasers in asset purchase agreements involving intellectual property transfers. Exmark does not agree that Mr. Suiter's testimony on this limited issue is admissible at trial. The admissibility of Mr. Suiter's testimony in this regard will be addressed at trial through voir dire.

Dated this 24th day of March, 2015.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge